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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,495	02/17/2004	George H. Verry		8061

7590 02/22/2007  
Paul J. Cook  
115 Pine Street  
Manchester, MA 01944

EXAMINER

CAJILIG, CHRISTINE T

ART UNIT	PAPER NUMBER
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3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/779,495

Applicant(s)

VERRY, GEORGE H.

Examiner

Christine T. Cajilig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/16/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (U.S. Patent No. 5,377,711) in view of Langley (U.S. Publication No. 2003/0010371 A1) and Kent Jr. (U.S. Patent No. 5,215,109).

Regarding claims 1 and 2, Mueller discloses a three dimensional insulator construction which comprises a layer (12) which would have insulating properties to a certain degree thus acting as a heat insulation layer, said heat insulation layer having a central rectangular or square portion (a), a plurality of side sections (b, c, 30), each of said side sections being attached to only one side of said central rectangular or square portion, two of said side sections being positioned in opposing positions to each other, and a rod construction (Fig 2) having a first set of horizontal rods (24) and a second set of horizontal rods (22) joined by a set of vertical rods (26), each of said first set of horizontal rods (24) having a detachable rod section (16A) to permit folding of the insulation layer when said detachable rod sections are detached from said rod construction, but does not disclose a substrate layer adhered to the heat insulation layer, two of said side sections having two wing sections attached thereto, a hook and loops means for securing said wing sections to a side section positioned adjacent to

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each of said wing sections, and that a set of vertical rods extend through said substrate layer and said insulating layer at two points. However, Langley discloses a laminated double layer enclosure (Par 0033) and two side sections (24) having two wing sections (26) attached thereto and a hook and loop means (Par 0034) for securing said wing sections (26) to a side section (16) positioned adjacent to each of said wing sections. Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the insulator of Mueller to have a substrate layer adhered to the insulating layer to create a double laminated layer and to have wing sections on two of said side sections with a hook and loop means for securing said wing sections to a side section positioned adjacent to each of said wing sections as taught by Langley to provide a double layer barrier for moisture protection and a hook loop means to securely fasten adjacent side walls. Moreover, Kent Jr. also discloses an enclosure wherein a set of vertical rods (16) extend through a cover layer (14) at two points (a,b). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the insulator of Mueller to have the vertical rods extend through the insulating layer at two points as taught by Kent Jr. to help maintain the form of the flexible cover (See Col 4, Ln 47-50).

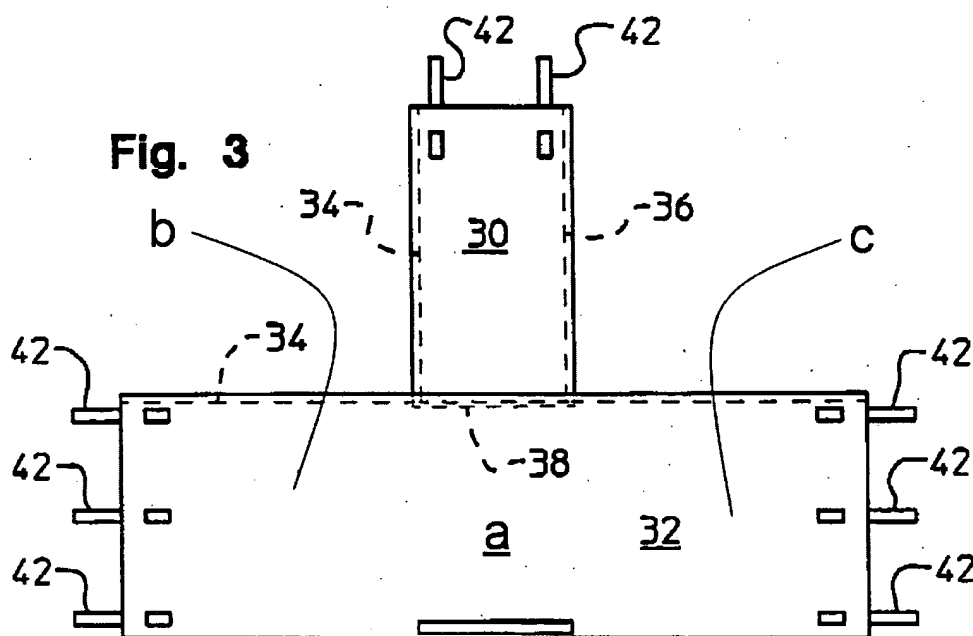
Regarding claim 3, Mueller in view of Langley and Kent Jr. discloses the structure set forth above, and that the outer surface of the insulating layer is obviously capable of acting as an exposed heat reflective layer.

Regarding claim 5, Mueller in view of Langley and Kent Jr. discloses the structure set forth above, including the rods (22, 24) that are capable of acting as pivot

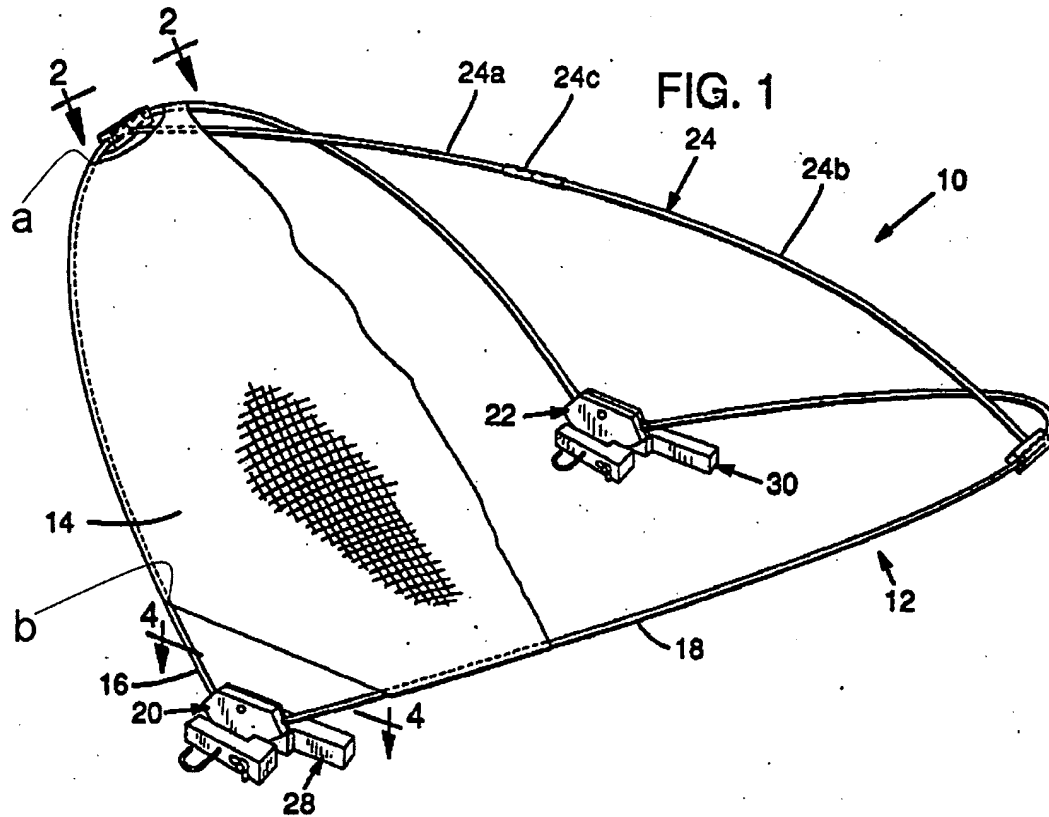
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rods, in which the side sections of the insulator construction are attached to, and move about the rods.

Regarding claims 6 and 7, Mueller in view of Langley and Kent Jr. discloses the structure set forth above, including vertical rods (26) that are detachable from the first and second sets of horizontal rods (22, 24) and the insulator construction is capable of being folded.



Mueller (U.S. Patent No. 5,377,711)



Kent Jr. (U.S. Patent No. 5,215,109)

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daley (US 4928441) discloses an attic access stairway cover that is pivotally mounted. Vesperman et al. (US 4541208) discloses a pivotally mounted insulating cover. Dickinson (US 5475955) discloses an insulating cover for an attic opening. Cherubini (US 3868155) discloses a foldable enclosure with a frame having

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horizontal and vertical members, and a covering that fits over the frame. Padgett, Jr. (US 5623795) discloses a draft insulator for a pull down staircase. Williams (US 5481833) discloses a cover for an attic opening with a substrate layer and an insulation layer. Monat (US 5628151) discloses an attic opening cover, having a central rectangular portion, a plurality of side portions, and wings.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Cajilig whose telephone number is (571) 272-8143. The examiner can normally be reached on Monday - Friday from 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CTC *CTC*  
2/20/07

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*Lanna Mai*